



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,178	03/09/2001	William A. Pugh	41017.P001	4745
25943	7590	02/03/2005	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITES 1600-1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			NGUYEN BA, HOANG VU A	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/803,178

Applicant(s)

PUGH ET AL.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 24 January 2005. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 17-19.

Claim(s) objected to: _____.

Claim(s) rejected: 1-16 and 20-37.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Hoang-Vu Nguyen-Ba
ANTONY NGUYEN-BA Primary Examiner
PRIMARY EXAMINER Art Unit: 2122

Continuation of 5. does NOT place the application in condition for allowance because: This advisory action is responsive to Applicants' After Final Amendment, filed December 17, 2004.

Claim 1

Applicants' essential arguments:

The required "inquiring by the dispatcher of the latest version of the runtime library to learn of the required version of the runtime library" (when the version is not known to the dispatcher) operation requires the consultation of a runtime library as to what version of the runtime library an application needs. House fails to perform this required operation. Instead, House teaches that the RTSS links the application program to an appropriate Run Time Library version as specified in the APDB - and to a default version if there is no specification in the APDB. See at least col. 4, lines 35-40 and Figure 3...

... Neither Figure 9 or 10 contain any descriptive information explaining what the process should do if the runtime library version is unknown.

Examiner's response:

The Examiner notes that the claimed "inquiring by the dispatcher of the latest version of the runtime library to learn of the required version of the runtime library," notwithstanding its inherent ambiguity (e.g., which version of the runtime library does the dispatcher want to know: the latest version or the required version?) reads on col. 4, lines 35-40 and Figure 3 in House. According to the portion cited by Applicants, House teaches that the RTSS (i.e., Run Time SubSystem) links the application program to an appropriate Run Time Library version as specified in the APDB (i.e., Application Profile Data Base). The Examiner further notes that the cited portion should be interpreted in the context of col. 4, lines 3 through col. 5, line 50 in order to have a better appreciation of the scope of House teachings. In view of the description of the invention in the above-mentioned portions, House appears to meet Applicants' requirement of the consultation of a runtime library to learn of what version of the runtime library an application needs. House also teaches that if the version is not known, a default version is loaded..